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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,877	02/19/2002	Shu Lin	PU020036	6310

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/078,877

Applicant(s)

LIN ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 06/11/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. Applicant's arguments are thereby moot in view of the new ground(s) of rejection.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Keller et al. (Keller) (7,023,924).

As to claim 1, Keller discloses a method of performing a trick mode (pause mode; column 2, line 45-column 3, line 6) comprising the steps of:

receiving a trick mode command (column 38, lines 13-17);

searching the plurality of original pictures in the video signal for a picture compatible with the trick mode (searching for the next I-frame; column 38, lines 13-17 and Fig. 33, step 541);

initiating the trick mode once the compatible picture is located (Fig. 33, steps 542-544; column 38, lines 44-65).

As to claim 2, Keller discloses wherein the compatible picture is an intra picture (an I-frame; column 38, lines 13-19; column 14 lines 29-33).

As to claim 3, Keller discloses wherein the compatible picture is a predictive picture (P-freeze frames; Fig. 32; column 38, lines 1-21).

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As to claim 4, Keller discloses wherein the trick mode is a freeze (pause) trick mode (column 38, lines 1-65; Fig. 33) and said method further comprises the step of repeating the compatible picture for the duration of the trick mode to form a trick mode signal (column 38, lines 1-65, Fig. 33, step 545).

As to claim 5, Keller discloses wherein said repeating step further comprises the step of repeating the compatible picture for the duration of the trick mode by inserting into the video signal dummy pictures predicted from the compatible picture to form the trick mode video signal (column 38, lines 1-65, Fig. 33, step 545).

As to claim 6, Keller discloses wherein each of the plurality of original pictures contains a display indicator (Fig. 33, step 545, column 38, lines 54-65) and said method further comprises the step of selectively modifying the display indicator of the original pictures that follow the compatible picture when a dummy picture is inserted into the video signal (modifying the transport stream to maintain continuity; Fig. 33, step 545, column 38, lines 54-65).

As to claim 7, Keller discloses wherein the dummy pictures are dummy predictive pictures (column 38, lines 54-65).

As to claim 8, Keller discloses wherein the compatible picture is an intra picture (I-frame; column 38, lines 13-19; column 14 lines 29-33) and said method further

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comprises the step of selectively inserting the compatible I picture into the trick mode signal (column 38, lines 1-65, Fig. 33).

As to claim 9, Keller discloses wherein at least a portion of the trick mode is decoded by a remote decoder (to decode and display the MPEP encoded stream; Fig. 1, column 5, line 49-column 2, line 15).

As to claim 10, Keller discloses a method of performing a trick mode (pause mode; column 2, line 45-column 3, line 6) comprising the steps of:

receiving a trick mode command (column 38, lines 13-17);

searching the plurality of original pictures in the video signal for a picture compatible with the trick mode (searching for the next I-frame; column 38, lines 13-17 and Fig. 33, step 541);

initiating the trick mode once the compatible picture is located (Fig. 33, steps 542-544; column 38, lines 44-65);

wherein the trick mode command is a freeze (pause) trick mode (Fig. 33; column 38, lines 13-65).

As to claim 11, Keller discloses a system for performing a trick mode on a video signal containing a plurality of original pictures (Fig. 1), comprising:

a controller (35) for reading data from a storage medium (34) and generating the video signal (column 6, lines 1-14); and

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a video processor (27), wherein the processor is programmed to:

- receive a trick mode command (column 38, lines 13-17);
- search the plurality of original pictures for a picture in the video signal compatible with the trick mode (searching for the next I-frame; column 38, lines 13-17 and Fig. 33, step 541); and
- initiate the trick mode once the compatible picture is located (Fig. 33, steps 542-544; column 38, lines 44-65).

As to claim 12, Keller discloses wherein the compatible picture is an intra picture (an I-frame; column 38, lines 13-19; column 14 lines 29-33).

As to claim 13, Keller discloses wherein the compatible picture is a predictive picture (P-freeze frames; Fig. 32; column 38, lines 1-21).

As to claim 14, Keller discloses wherein the trick mode is a freeze (pause) trick mode (column 38, lines 1-65; Fig. 33) and the processor is further programmed to repeat the compatible picture for the duration of the trick mode to form a trick mode signal (column 38, lines 1-65, Fig. 33, step 545).

As to claim 15, Keller discloses wherein the processor is further programmed to

repeat the compatible picture for the duration of the trick mode by inserting into the video signal dummy pictures predicted from the compatible picture to form the trick mode video signal (column 38, lines 1-65, Fig. 33, step 545).

As to claim 16, Keller discloses wherein each of the plurality of original pictures contains a display indicator (Fig. 33, step 545, column 38, lines 54-65) and the processor is further programmed to selectively modify the display indicator of the original pictures that follow the compatible picture when a dummy picture is inserted into the video signal (modifying the transport stream to maintain continuity; Fig. 33, step 545, column 38, lines 54-65).

As to claim 17, Keller discloses the method wherein the dummy pictures are dummy predictive pictures (column 38, lines 54-65).

As to claim 18, Keller discloses wherein the compatible picture is an intra picture (I-frame; column 38, lines 13-19; column 14 lines 29-33) and the processor is further programmed to selectively insert the compatible I picture into the trick mode signal (column 38, lines 1-65, Fig. 33).

As to claim 19, Keller discloses a remote decoder for decoding at least a portion of the trick mode video signal (to decode and display the MPEP encoded stream; Fig. 1, column 5, line 49-column 2, line 15).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Krause et al. (Krause) (5,949,948).

As to claim 1, Krause discloses a method of performing a trick mode (Fig. 2; column 7, line 47-column 8, line 63) comprising the steps of:

receiving a trick mode command (column 6, lines 48-59);

searching the plurality of original pictures in the video signal for a picture compatible with the trick mode (searching for the next I-frame; column 7, line 47-column 8, line 63);

initiating the trick mode once the compatible picture is located (column 7, line 47-column 8, line 63).

As to claim 2, Krause discloses wherein the compatible picture is an intra picture (an I-frame; column 7, line 47-column 8, line 63).

As to claim 11, Krause discloses a system for performing a trick mode on a video signal containing a plurality of original pictures (Fig. 1), comprising:

a controller (130) for reading data from a storage medium (140) and generating the video signal (column 6, lines 28-59); and

a video processor (130), wherein the processor is programmed to:

receive a trick mode command (column 6, lines 48-59);

search the plurality of original pictures for a picture in the video signal compatible with the trick mode (searching for the next I-frame; column 7, line 47-column 8, line 63); and

initiate the trick mode once the compatible picture is located (column 7, line 47-column 8, line 63).

As to claim 12, Krause discloses wherein the compatible picture is an intra picture (an I-frame; column 7, line 47-column 8, line 63).

Conclusion

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Sheleheda
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